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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,126

01/26/2005

Manfred Obermeier

03100225AA

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7590

02/20/2008

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.  
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RESTON, VA 20190

EXAMINER

JOHNSON, PHILLIP A

ART UNIT

PAPER NUMBER

4136

MAIL DATE

DELIVERY MODE

02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,126	<b>Applicant(s)</b> OBERMEIER, MANFRED	
	<b>Examiner</b> PHILLIP JOHNSON	<b>Art Unit</b> 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/26/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It was not executed in accordance with either 37 CFR 1.66 or 1.68.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittendorf et al. (US Patent App. 20020148315) in view of Kirsten (US Patent 2,418,555).** Mittendorf et al. discloses a similar device (See Fig. 1) comprising a transmission housing (20), the walls of which are provided with at least two passage orifices for at least two gear wheels (26, 28) which engage with their *toothings* one in the other inside the transmission housing (20) and at least one of which has a shaft (124) which is mounted *rotatably* in a bearing (60) of a bearing housing (6) and which projects out of the transmission housing through the passage orifice, the bearing housing (66, 68) being fastened to the transmission housing, characterized in that the transmission housing has fastened to it a fastening part (74) which is produced separately from the bearing housing and which has an internal thread (78), to which an external thread of the bearing housing can be screwed, in that the relative angular position between the fastening part and the bearing housing can be fixed, and in that, in the mounted state, the bearing housing projects with a cylindrical extension (66), in a fit, into the respective passage orifice of the transmission housing, said passage orifice being designed as a guide.

Mittendorf et al. does not disclose a device with at least two bevel wheels. Kirsten teaches the use of bevel wheels, which are well known in the art, for the purpose of transmitting torque between two axes disposed at an angle relative to each other (C1, L1). It would have obviously to one of ordinary skill in the art at the time of the invention to use bevel wheels, as taught by Kirsten, in the device of Mittendorf et al.

for the purpose of transmitting torque between two axes disposed at an angle relative to each other.

Regarding claim 2, Mittendorf et al. discloses a bevel gear transmission characterized in that the fastening part is designed as a flanged ring.

Regarding claim 4, Mittendorf et al. discloses a bevel gear transmission characterized in that the bearing housing is fastened to the outer face of the transmission housing.

5. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mittendorf et al. (US Patent App. 20020148315) in view of Examiner's OFFICIAL NOTICE.** Mittendorf et al. discloses all of the claimed limitations, as set forth above, but does not disclose a device characterized in that, to fix the angular position between the flanged ring and the bearing housing, a screw can be screwed into a radial threaded hole of the flanged ring. It is notoriously well known to use a screw to function as a locking mechanism (i.e. lock screw) in order to hold two elements, such as a collar around a shaft, fixed that would otherwise rotate with respect to one another. Therefore, it would have been obvious to a person of ordinary skill in this art to provide a screw that can be screwed into a radial threaded hole of the flanged ring disclosed in Mittendorf et al. in view of Examiner's Official Notice, so that the ring and housing could be locked together.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILLIP JOHNSON whose telephone number is (571)270-5216. The examiner can normally be reached on MON - FRI, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phillip Johnson/  
Examiner, Art Unit 4136

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/J. Allen Shriver II/  
Supervisory Patent Examiner, Art Unit 4136